

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

TRANSLATION

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:		Date of mailing (day/month/year)	See form PCT/ISA/210
Applicant's or agent's file reference 4A-0115		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/FR2004/002970	International filing date (day/month/year) 22.11.2004	Priority date (day/month/year) 08.01.2004	
International Patent Classification (IPC) or both national classification and IPC B05C13/00, B05C3/09, G02C7/02			
Applicant ESSILOR INTERNATIONAL (Compagnie Générale d'Optique)			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>7, 9, 10</u>	YES
	Claims	<u>1-6, 8</u>	NO
Inventive step (IS)	Claims	<u>7, 9, 10</u>	YES
	Claims	<u>1-6, 8</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: GB-A-1 361 113 (VENTOLITE NSG LTD.), 24 July
1974 (1974-07-24)

D2: FR-A-1 121 357 (P.M.R. POURRAIN), 13 August
1956 (1956-08-13)

D3: DE 17 28 469 U (BABERG & CO.), 23 August 1956
(1956-08-23)

2 INDEPENDENT CLAIM 1

Document D1 (see page 1, lines 53-60; figures 1 and 2) describes (the references in parentheses apply to this document):

A ring for gripping an optical element for purposes of its immersion treatment, comprising a hoop ("C-shaped socket structure consisting of two spaced curved lugs 3") for draining and encircling the edge of the optical element, which forms an arc of more than 180 degrees and is provided, on each of its two ends, with an outward facing draining spout.

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The gripping ring described in D1 is **suitable for holding an optical element for the purposes of an immersion treatment**, and the hoop described in D1 is **suitable for draining and encircling of such an optical element during such a process**.

Consequently, document D1 describes, in combination, all of the features defined in independent claim 1. The subject matter of this claim is therefore not novel (PCT Article 33(2)). It should be noted that documents D2 and D3 also describe, in combination, all of the features defined in independent claim 1.

3 DEPENDENT CLAIMS 2-6 AND 8

Dependent claims 2-6 and 8 do not contain any features which, when combined with the features of any claim to which they refer, satisfy the requirements of the PCT with regard to **novelty** (PCT Article 33(2)) (see D1, D2 and D3).

4 DEPENDENT CLAIMS 7, 9 AND 10

The combination of the features in claims 7, 9 and 10 satisfies the requirements of the PCT with regard to novelty and inventive step (PCT Article 33(2) and (3)) since it is not found in or obvious from the prior art (see the search report).